



PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.1014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Vincent De LAFORCADE ) Group Art Unit: 3754  
)  
Application No.: 10/058,401 ) Examiner: Kenneth Bomberg  
)  
Filed: January 30, 2002 )  
)  
For: DEVICE FOR DISPENSING ) Confirmation No.: 5421  
PRODUCT )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing (IDS Form PTO/SB/08). This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a proper Final action, Quayle action, or a Notice of Allowance. As noted in the concurrently filed Request for Withdrawal of Finality of June 15, 2005 Office Action and Amendment, the June 15, 2005 Office Action should have been a non-final Office Action, not a final Office Action. Therefore, Applicant believes it is entitled to consideration of this Information Disclosure Statement pursuant to 37 C.F.R. § 1.97(c).

10/18/2005 SZEWDIE1 00000085 10058401

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180.00 OP

Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by payment of a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed documents are attached. Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Each non-English language document listed in this Information Disclosure Statement was cited in a one or more communications from the Japanese Patent Office in a counterpart foreign application. Enclosed are English language translations of communications from the Japanese Patent Office in the counterpart application citing these documents and setting forth the relevance thereof in the counterpart application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

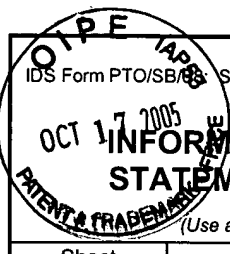
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 17, 2005

By: 

Troy E. Grabow

Reg. No. 43,440

<div style="display: flex; align-items: center; justify-content: center;"> <div style="text-align: center; margin-right: 10px;">  </div> <div> <p>IDS Form PTO/SB/88 Substitute for form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(Use as many sheets as necessary)</p> </div> </div>				<b>Complete if Known</b>	
				Application Number	10/058,401
				Filing Date	January 30, 2002
				First Named Inventor	Vincent De LAFORCADE
				Art Unit	3754
				Examiner Name	Kenneth Bomberg
				Attorney Docket Number	05725.1014
Sheet	1	of	1		

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-			
		US-			
		US-			
		US-			
		US-			

**Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Country	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	1.	EP 0 622 311 A2	11/02/1994	European Patent Office		English language equivalent of JP 6-312019
	2.	JP 58-30964	02/23/1983	Japan		
	3.	JP 6-312019	11/08/1994	Japan		Abstract
	4.	JP 8-156973	06/18/1996	Japan		Abstract
	5.	JP 11-79245	03/23/1999	Japan		Abstract

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
	6.	English Translation of Notice of Rejection Issued June 15, 2004, Japanese Patent Application No. 2002-022337.	
	7.	English Translation of Decision of Rejection Issued March 8, 2005, Japanese Patent Application No. 2002-022337	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.